

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEVER PICU, individually and as
representative of the Estate of Roberta Picu,

Plaintiffs,

v.

MARIANNA BOT, DOREL BOT, and
DUVALL ADULT FAMILY HOME,

Defendants.

No. C14-0330RSL

ORDER GRANTING IN PART
DOREL BOT'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on "Defendant Dorel Bot's Motion for Summary Judgment." Dkt. # 63. Plaintiffs assert breach of contract and wage claims against Mr. Bot in his individual capacity and as a member of a marital community. In their opposition to Mr. Bot's request for dismissal of all claims against him, plaintiffs concede that Mr. Bot cannot be held individually liable for the alleged breach of contract or failure to pay wages: he neither entered into a contract with plaintiffs nor was an owner, officer, manager, or agent of their employer responsible for the payment of wages. Their claims against Mr. Bot as an individual therefore fail as a matter of law, and the motion for summary judgment is GRANTED as to those claims.

Plaintiffs point out, however, that any debts or liabilities incurred by defendant Mariana Bot, Mr. Bot's wife, will be satisfied out of her individual property and any community property she shares with Mr. Bot under Washington law. Dkt. # 77 at 2. Defendants do not contest that

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1 Mr. Bot has an interest in the assets of the marital property and have not provided any case law
2 that requires dismissal of the claims asserted against him as a member of the marital community.
3 His request for dismissal of all claims asserted against him, including those against his marital
4 community, is not properly supported.¹

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6 For all of the foregoing reasons, the claims asserted against defendant Dorel Bot in his
7 individual capacity are hereby DISMISSED. Mr. Bot remains a party to this action only to the
8 extent he has an interest in the marital community.

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10 Dated this 14th day of December, 2015.

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12 Robert S. Lasnik
13 United States District Judge
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22 ¹ Mr. Bot's request for judgment on the merits of plaintiffs' claims is DENIED for the reasons
23 set forth in this Court's "Order Denying Defendants Mariana Bot and Duvall Adult Family Home's
24 Motion for Summary Judgment," of even date. Plaintiffs appear to have used their responsive
25 memorandum to Mr. Bot's motion in an attempt to avoid the page limits established in LCR 7(e):
26 instead of raising their evidentiary objections in response to Ms. Bot's motion, they incorporate by
reference large portions of this responsive memorandum, effectively presenting an unauthorized thirty-
page response brief. The Court has not ruled upon the evidentiary objections raised in response to Mr.
Bot's motion.